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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,707	01/10/2005	Stanley Grant Kinzel	152.8	2545

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EXAMINER

BLACK, MELISSA ANN

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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09/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,707

Applicant(s)

KINZEL, STANLEY GRANT

Examiner

Melissa A. Black

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-11 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by DE3643738.

Re Claim 1, DE3643738 discloses an air deflector assembly for a sunroof opening in an automobile roof comprising: a generally elongated central visor (31, Figure 1) having opposed lateral edges; a pedestal (1,101) mountable to each of said lateral edges to support the visor on the roof; and means for securing each pedestal to said roof (28) to removably retain said pedestals and visor adjacent said sunroof opening (See Figure 1).

Re Claim 7, DE3643738 discloses a flexible gasket (30) for receiving the leading edges of said pedestals and visor (See figures 4 and 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE3643738.

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DE3643738 fails to disclose the use of a first and second distinct visor portion, and a middle member mountable intermediate said first and second visor for providing and interconnected visor arrangement of desired dimension for said sunroof opening.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use multiple sections, since it is common knowledge to make spoiler out of multiple section.

Claim 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE3643738 in view of FR1131218.

DE3643738 fails to disclose the pedestal having a slot for slideably receiving said visor.

FR 1131218 teaches the use of one pedestal (4) having slot to slideably receive said visor (3).

It would have been obvious at the time the invention was made to include the slot in the pedestal as taught by FR1131218 on the device of DE3643738 in order to remove the visor in a simplistic manner.

Re Claim 3 FR1131218 teaches room pass the end of the visor (3)(see Figure 2) in the slot for expansion. It would have been obvious to one with ordinary skill in the art to use the extra room in the slot as taught by FR1131218 in order to accommodate for the expansion of the plastic caused by the temperature changes to prevent the plastic from cracking.

Re Claim 4 FR 1131218 teaches said pedestal comprises a base member having a recessed lip portion for receiving said lateral edge thereon, and means for holding said lateral edge on base member (See Figure 2).

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Re Claim 5, FR 1131218 teaches the use of fasteners to hold the visor (3) in place (Figure 2).

Claim 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE3643738 in view of DE2154707 to Butz.

Re Claim 13, DE3643738 fails to disclose the use of an elongated clip having an upper portion connectable to said pedestal and a lower hooked portion for engaging said sunroof opening to retain said pedestal on said roof.

Butz teaches the use of an elongated clip (27) having an upper portion (27a) connectable to said pedestal and a lower hooked portion (27b) for engaging said sunroof opening to retain said pedestal on said roof.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the connection means as taught by Butz on the device of DE3643738 in order to attach the visor without placing holes in the vehicle roof with the use of screws and etc.

Re Claim 14, Butz further teaches that the clip is of suitable length to allow said lower hooked portion (27b) to be slidably engaged with a perimeter flange of said sunroof opening to retain said pedestal on said roof (See Figure 5).

Allowable Subject Matter

4. Claims 8-11 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. Black whose telephone number is (571) 272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mab 8/30/07

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8/29/07

Dennis H. Pedder
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PRIMARY EXAMINER

AV 36.2

8/31/07